

REMARKS/ARGUMENTS

This paper is responsive to the non-final Office Action dated September 9, 2004, wherein:

Claims 38-218 were pending; and

Claims 38-218 were subject to restriction and/or election requirements.

Claims 71-110 have been canceled without prejudice or disclaimer of the subject matter recited therein and no new claims have been added by this amendment. Accordingly, claims 38-70 and 111-218 are currently pending in the above-identified patent application.

Restriction Requirement

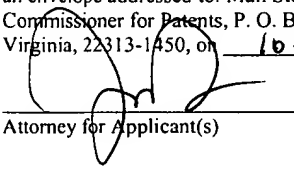
The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

Group I. Claims 71-110, drawn to determining whether a node is failed and restore [*sic*] the failure, classified in class 370, subclass 216.

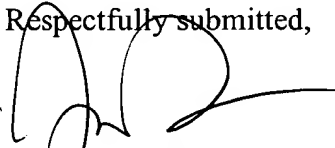
Group II. Claims 38-70 and 111-218, drawn to determination [of] network topology based upon a test packet, classified in class 370, subclass 252.

In response to the Examiner's restriction requirement, Applicants hereby elect, without traverse, to prosecute claims 38-70 and 111-218, drawn to determination [of] network topology based upon a test packet, classified in class 370, subclass 252.

Please cancel claims 71-110 without prejudice to the subject matter disclosed therein.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop <u>Amendment</u> , Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on <u>10-12-04</u> .	
 Attorney for Applicant(s)	<u>10-12-04</u> Date of Signature

Respectfully submitted,

  
Justin M. Dillon  
Attorney for Applicant(s)  
Reg. No. 42,486  
Telephone: (512) 439-5097  
Facsimile: (512) 439-5099